

John H. Eickemeyer (JE-8302)
Daniel C. Green (DG-0059)
VEDDER PRICE P.C.
1633 Broadway, 47th Floor
New York, New York 10019

Daniel J. Standish (*pro hac vice*)
Marc E. Rindner (*pro hac vice*)
Cara Tseng Duffield (*pro hac vice*)
WILEY REIN LLP
1776 K Street NW
Washington, D.C. 20006

Attorneys for Defendant Arch Insurance Company

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
JOSEPH MURPHY, et al,)	
)	
Plaintiffs,)	
)	
v.)	No. 08-CIV-4196 (GEL)
)	ECF Case
ALLIED WORLD ASSURANCE)	
COMPANY (U.S.), INC. and ARCH)	
INSURANCE COMPANY,)	
)	
Defendants.)	
_____)	

**DECLARATION OF JOHN H. EICKEMEYER IN SUPPORT OF DEFENDANT
ARCH INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT**

I, John H. Eickemeyer, do hereby declare as follows:

1. I am counsel for Defendant Arch Insurance Company ('Arch').
2. In a scheduling order dated July 2, 2008, the Court ordered that the insurers in the actions *XL Specialty Ins. Co. v. Agolia, et. al.*, No. 08-Civ-3821 (GEL), *Arch Ins. Co. v. Agolia, et al.*, No. 08-Civ-5252 (GEL) and the present action should file summary judgment motions in the respective actions by July 11, 2008.

3. Arch moves for summary judgment on the first amended complaint filed on April 24, 2008 by the plaintiffs in this action. In support of its motion, Arch incorporates by reference the following documents filed this day in the case *Arch Ins. Co. v. Agoglia, et al.*, No. 08-Civ-5252 (GEL): Plaintiff Arch Insurance Company's Statement of Undisputed Facts Pursuant to Local Rule 56.1 in Support of its Motion for Summary Judgment; Memorandum of Law in Support of Plaintiff Arch Insurance Company's Motion for Summary Judgment; and Declaration of John H. Eickemeyer in Support of Plaintiff Arch Insurance Company's Motion for Summary Judgment and incorporated exhibits.

4. The relief the plaintiffs in this action seek against Arch in their first amended complaint is the mirror image of the relief Arch seeks in the action *Arch Ins. Co. v. Agoglia, et al.*, No. 08-Civ-5252 (GEL). Accordingly, Arch's motion for summary judgment in this action adopts and incorporates by reference the arguments and supporting papers made in Arch's motion for summary judgment in the action *Arch Ins. Co. v. Agoglia, et al.*, No. 08-Civ-5252 (GEL). To the extent the plaintiffs' opposition to Arch's motions for summary judgment purport to raise issues unique to this action, however, Arch reserves the right to file a separate reply brief in this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 11, 2008.

s/ John H. Eickemeyer
John H. Eickemeyer (JE-8302)